

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

USDS SDNY
DOCUMENT
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-against-

S10 98 Crim. 1023 (LAK)

ANAS AL LIBY a/k/a Nasih al Rahjie, a/k/a Anas al Sebai,

Defendant.
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ORDER
(Corrected)

LEWIS A. KAPLAN, *District Judge*.

Last month, the Court received a letter from a reporter, Mr. Adam Klasfeld, who requested the unsealing of a supposed motion to suppress, said to have been filed under seal on December 12, 2014, on behalf of this deceased defendant, Anas al Liby. It denied the motion on the ground that the reporter had not served the government with his request. It pointed out, at the same time, that it would entertain “a new application with proof of service on the government.” DI 1984.

The Court now is in receipt of a renewed requested, this time “regarding the disclosure of any motion(s) in limine filed under seal opposing the admission of letters” in this case as well as that against a co-defendant, al Fawwaz. Among the attachments to the renewed request is a copy of a separate letter to the U.S. Attorney which bears a stamp that reads “U.S. Attorney Security.” It is unclear whether that stamp evidences receipt by the U.S. Attorney’s office of the separate letter alone or of the entire renewed request. There is no indication that al Fawwaz’s counsel was served. Accordingly, the renewed request is denied for failure to provide any evidence that the applicant served counsel for al Fawwaz and, at best, ambiguous evidence with respect to the possibility of service on the government, both of which are entitled to notice of and an opportunity to respond to the request.

Applicant may make a second renewed request provided it is accompanied by evidence that the request was served on the United States Attorney’s Office and on counsel for al Fawwaz as well. Should such a request be served upon it, the government and al Fawwaz shall respond no later than seventeen days following the date of the request.

SO ORDERED.

Dated: June 2, 2015



Lewis A. Kaplan
United States District Judge